IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 22481 of 2004

Between:

G.Thirupathi, S/o.Venkatesham, Nalgonda.

..... PETITIONER

AND

1 The Government of A.P., Health, Medical & Family Welfare (C2) Department, Secretariat, Hyderabad rep.by its Principal Secretary.
2 The Director of Health, Andhra Pradesh, Koti, Hyderabad- 500095.
3 The Commissioner of Municipal Corporation of Hyderabad, MCH Complex, Near Tank Bund, Hyderabad-500029.
4 Sri Abul Khair, son of not known to the Applicant,
Chadharghat Section, MCH, Nampally Sarai Guest House, Near Nampally, Railway Station, Hyderabad-500036.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the orders dated: 15-10-2004 of the Hon'ble A.P. Administrative Tribunal passed in O.A.No.2530 of 2004 and allow the O.A. prayed therein directing the respondents to treat the gap period of the petitioner as compulsory weight till he joined in Nalgonda and pay him all consequential benefits that will arise on that basis and pass such other order or orders.

Counsel for the Petitioner: MR.T.P.ACHARYA

Counsel for the Respondents 1 & 2: GP FOR SERVICES I

Counsel for the Respondent No.3: MR.GHONTA RAMA RAO (SC FOR M.C.H.)

The Court made the following:

-

ORAL ORDER:- (Per GB,J.)

The Writ Petition is filed against the order, dated 15.10.2004 passed by the A.P. Administrative Tribunal in O.A.No.2530 of 2004.

2. The petitioner was on promotion and he was selected as District Malaria Officer and posted to Srikakulam District. However, he represented to the authority that on account of personal problems he should be posted to Hyderabad at the cost of his reversion. His case was accepted and he was reverted from Srikakulam and posted at Hyderabad vide proceedings dated 2.9.2002. However, he was again transferred from Hyderabad to Nalgonda by an order, dated 7.11.2003, against which, he made several representations to the authorities. Thereafter, the authorities issued G.O.Rt.No.326, dated 26.3.2002, rejecting his representations, which was challenged before the Tribunal. The Tribunal, however, refused to interfere with the issue and dismissed the same by an order dated 15.10.2004.

3. The learned counsel for the petitioner submits that the very purpose of seeking reversion and coming back to Hyderabad will not survive by posting him beyond Hyderabad. The learned counsel further submits that now by virtue of petitioner's posting at Nalgonda, he is required to work under a junior and that the ground raised by the respondents that the petitioner has not take any steps to control the 'Malaria Eradication Programme', is also ill found.

4. Learned Government Pleader further submits that since there are some complaints against the petitioner by the Commissioner, Municipality, he is sought to be sent to Nalgonda.

5. We have heard the learned counsel for the parties.

6. It is to be noted that on request the petitioner was transferred to Hyderabad on reversion. Therefore, he has to be necessarily kept in Hyderabad, if not, in Municipal Corporation. If any charges are framed, it is open for the authorities to proceed with the departmental enquiry in accordance with the Rules. The very purpose of transferring him to Hyderabad will be frustrated if he is again transferred to Nalgonda, more especially when he came on reversion.

7. Under those circumstances, we find that the second respondent-Director of Health has to review the situation and pass appropriate orders to ensure that the petitioner is transferred back to Hyderabad that would be in tune with the orders passed earlier by the Government accepting his reversion and posting him at Hyderabad.

8. Accordingly, the Writ Petition is disposed of directing the second respondent to review the matter and pass appropriate order within a period of four weeks from the date of receipt of a copy of this order. No costs.

_____

G. BIKSHAPAHTY, J.

_____

P.S. NARAYANA, J.

Date: 30.12.2004

ES

To

1 The Principal Secretary to Government, Health, Medical & Family Welfare (C2) Department, Secretariat, Hyderabad. 2 The Director of Health, Andhra Pradesh, Koti, Hyderabad- 500095.
3 The Commissioner of Municipal Corporation of Hyderabad, MCH Complex, Near Tank Bund, Hyderabad-500029.
4 The Registrar, A.P. Administrative Tribunal, Hyderabad.

5 2 CCs to the G.P. for Services I, High Court of A.P., Hyderabad (OUT).

6. 2 CD copies.